

REMARKS

Favorable reconsideration of this application as presently amended and in light of the following discussion is respectfully requested.

Claims 4-9 are presently active in this case, Claims 1-3 having been canceled without prejudice or disclaimer, Claims 4 and 5 having been amended, and Claims 6-9 having been added by way of the present Amendment.

In the outstanding Official Action, the specification was objected to since the specification makes reference to various claims. The Applicants respectfully traverse this objection. The Applicants note that pages 10 and 13 of the specification are in the "Prior Art" section of the specification and that the discussion regarding claim 1 on page 10 is specifically referring to claim 1 in Japanese Patent Application Laid-open No. 146760/1988, as indicated in page 8, line 24-27, of the specification, and the discussion regarding claims 1 and 4 on page 13 of the specification is specifically referring to claims 1 and 4 in Japanese Patent Application Laid-open No. 168348/1996, as indicated in page 11, line 8-12, of the specification. The Applicants submit that the references made to claims in Japanese Patent Application Laid-open No. 146760/1988 and Japanese Patent Application Laid-open No. 168348/1996 will not change, since these documents are published documents that can be retrieved in the form referred to in the specification of the present application. The claims discussed on pages 10 and 13 of the specification of the present application do not refer to the pending claims of the present application, as is evident from the context of the discussion on

pages 2-15 of the present application. Accordingly, the Applicants request the withdrawal of the above objection to the specification.

The specification was also objected to for improperly identifying various features and for using the same reference number to identify two different features. The Applicants respectfully traverse this objection. The Applicants note that the discussion on page 13 of the present application are referring to the disclosure in Japanese Patent Application Laid-open No. 168348/1996 and are not referring to the invention disclosed and depicted in the present application, as is evident from the context of the discussion on pages 2-15 of the present application. Accordingly, the Applicants request the withdrawal of the above objection to the specification.

The drawings were also objected to for not including reference numerals/characters 1, 2, 3, 4, 5, 6, A, and W from pages 13, 14, 35, and 36 of the specification. The Applicants respectfully traverse this objection. The Applicants note that the discussion on pages 13 and 14 of the present application are referring to the disclosure in Japanese Patent Application Laid-open No. 168348/1996 and are not referring to the invention disclosed and depicted in the present application, as is evident from the context of the discussion on pages 2-15 of the present application. Thus, these features need not be depicted in the drawings of the present application. Furthermore, "Blade 1," "Blade 2," and "Blade 3" legends are depicted in Figures 5 and 6 of the present application, as discussed on pages 35 and 36 of the application. Accordingly, the Applicants request the withdrawal of the objection to the drawings.

Claims 4 and 5 were objected to for minor informalities. Claim 4 has been amended to recite “comprising the steps of” in place of the term “wherein.” Regarding the rejection of the phrase “as required,” the Applicants traverse this objection by noting that the phrase “as required” is not superfluous. Claim 4 recites the phrase “deglazing is continuously carried out by spraying water, as required, while maintaining the surface temperature of the onion or sofrit ingredients at 95-102°C for 15 to 120 minutes....” The Applicants note that this phrase describes continuous deglazing, which includes both maintaining a certain surface temperature of the onion or sofrit material for a certain time period, and spraying of water, as required. The spraying of water is performed only to the degree required to provide continuous deglazing in conjunction with the maintenance of a certain surface temperature for a certain time period. The spraying of water may or may not be required. Thus, the Applicants request the withdrawal of the objection to Claims 4 and 5.

Claims 4 and 5 were rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The specific grounds for rejection are recited on pages 5 and 6 of the Official Action. Regarding the term “sofrit,” the Applicants note that the present application in the “Technical Field of the Invention” section provides the common definition for the term “sofrit.” “Sofrit” is defined as “a sautéed food of a herb vegetable such as carrot, onion, celery, or the like, a sautéed food of vegetable containing onion....” (See page 1, lines 11-13.) The term “deglacéing” has been changed to “deglazing” throughout the specification

in order to change the term to the common spelling of this term. The term “deglaze” is defined in Webster’s II, New College Dictionary as “[t]o dissolve what remains of a sauté or roast in (a pan or pot) by heating with a liquid.” The term “when” in Claim 4 has been deleted. The phrases “such as,” “or the like,” and “and/or” have also been deleted from Claim 4. New Claims 6 and 8 have been added to eliminate the use of the “and/or” terminology from Claim 4. The term “materials” and the phrase “a material piece” have been replaced by reference to the onion or sofrit ingredients recited in Claim 4. As is evident from the definition of “deglaze” provided above, the Applicants submit that one of skill in the art would recognize that it is the sauté that is being deglazed. Claim 5 has been amended to remove the reference to canceled Claims 1-3. Claim 5 has also been amended to change “has been” in line 1 to “is,” as suggested in the Official Action. Accordingly, the Applicants respectfully request the withdrawal of the indefiniteness rejections set forth in the Official Action.

Claims 4 and 5 were indicated as being allowable if amended to overcome the objections and rejections set forth in the outstanding Official Action. As discussed above, the Applicants submit that all of the objections and rejections have been overcome. Thus, Claims 4 and 5 are believed to be in condition for allowance.

New Claims 6 and 8 have support in original Claim 4, and new Claims 7 and 9 have support in original Claim 5. Claims 6 and 7 are believed to be allowable as being dependent

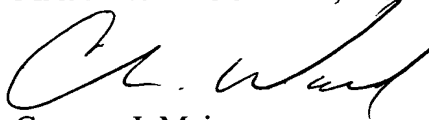
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upon allowable Claim 4. Claims 8 and 9 are believed to be allowable since these claims contain subject matter indicated as being allowable in the Official Action.

Consequently, in view of the above discussion, it is respectfully submitted that the present application is in condition for formal allowance and an early and favorable reconsideration of this application is therefore requested.

Respectfully Submitted,

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